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**DEAN DEVELOPMENT ASSOCIATES,
 LLC,**

Plaintiff,

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION
 CAMDEN COUNTY

v.

Docket No. CAM-L-004248-20

**TOWNSHIP OF VOORHEES PLANNING
 BOARD,**

Civil Action

Defendants.

FINAL JUDGMENT

THIS MATTER having been brought before the Court by way of Complaint in Lieu of Prerogative Writ by the Plaintiff, Dean Development Associates, LLC (“Plaintiff”), through their attorney, Robert Baranowski, Esquire, of the law firm of Hyland Levin Shapiro, L.L.P., seeking the reversal of the denial of Plaintiff’s development application for Preliminary and Final Site Plan Approval with Bulk Variances and Design Waivers for a 14,000 square foot retail center on a 2.58-acre parcel at the corner of State Highway Route 73 and Signal Hill Road (Block 252, Lots 9 and 9.01 on the Voorhees Township Municipal Tax Map) by the Defendant Voorhees Township Planning Board (“Planning Board”), through its adoption of Resolution 19-018; and the Planning Board defending in the matter through their attorney, Christopher Norman, Esq. of the law firm of The Platt Law Group, LLC; and the Court having considered the parties’ Trial Briefs on the administrative record; and the Court having further considered the arguments of counsel at oral argument on August 11, 2021; and for good cause shown;

IT IS on this _____ day of _____, 2021 hereby **ORDERED** and **ADJUDGED** as follows:

(1) The Court finds and concludes based on the entirety of the record that: (a) the Planning Board's denial of the application was improperly based upon concerns with existing off-site traffic on Signal Hill Road for a permitted use in the MB-Major Business Zone; (b) no evidence was presented on the record to demonstrate that any condition of unsafe ingress/egress would exist at the full movement secondary access drive on Signal Hill Road; and (c) the requested bulk variances and design waivers are completely unrelated to the traffic concerns described above, and Plaintiff met its proofs to the granting of this requested relief. The Court has further determined that a remand to the Planning Board in the circumstances presented would be futile and that the conditions of approval as set forth herein adequately protect the public interest and promote judicial economy, and the Court accepts Plaintiff's Counsel's stipulation that Plaintiff would accept a final judgment for Preliminary and Final Major Site Plan Approval with Bulk Variances and Design Waivers, subject to the conditions placed on the record before the Planning Board at the public hearing, as set forth more fully herein. Based on the above and such other good cause having been shown, the Court hereby grants Final Judgment in favor of Plaintiff on its Complaint, and the Planning Board Resolution 19-018 adopted on November 11, 2020, is hereby reversed and vacated.

(2) Plaintiff is hereby granted Preliminary and Final Major Site Plan Approval with Bulk Variances and Design Waivers on its development application for a 14,000 square foot retail center on a 2.58-acre parcel at the corner of State Highway Route 73 and Signal Hill Road (Block 252, Lots 9 and 9.01 on the Voorhees Township Municipal Tax Map), as presented by Plaintiff's

Application, including all reports, plans, exhibits and testimony presented on the record before the Planning Board, subject to the following conditions:

A) Plaintiff shall install an eight-foot (8') fence, as opposed to the originally proposed six-foot (6') fence, to further separate the masonry trash enclosure, rear service area, and basin from the residential properties to the east, located on Quail Hollow Court;

B) Plaintiff shall provide a schedule to terminate/cutoff the lighting at the rear of the site after hours in order to prevent any potential for spillover into the neighboring residences to the east, located on Quail Hollow Court;

C) Plaintiff shall install a person gate for the trash enclosure to ensure that the main access gates do not have to be opened and closed for access;

D) During drop-off and pickup times at the adjacent Signal Hill Elementary School, there shall be no deliveries to the site between the hours of 8:30-9:30 AM and 3:00-4:00 PM on weekdays, and signage shall be installed at the Signal Hill egress restricting left-turns between the hours of arrival and dismissal on school days;

E) Plaintiff shall submit (for the review and approval by the Planning Board Attorney) and record a deed restriction requiring maintenance of a healthy and vigorous buffer within the 50-foot buffer in the rear-yard; and

F) Plaintiff shall install striping and/or a crosswalk (as to be determined in consultation with the Planning Board Engineer) on Signal Hill Road for those individuals looking to cross the street coming to and from the adjacent Signal Hill Elementary School.

(3) The date on which this Order for Judgment is entered shall constitute the date of approval for purposes of N.J.S.A. 40:55D-52.

(4) Each party to this lawsuit shall pay its own costs and attorney's fees.

(5) A copy of this Order shall be served upon all parties and/or counsel of record within seven (7) days of entry hereof.

SO ORDERED.

DEBORAH SILVERMAN KATZ, A.J.S.C.